

AGENDA
TRAVERSE CITY BOARD OF ZONING APPEALS
REGULAR MEETING
TUESDAY, APRIL 14, 2015
7:00 P.M.
Committee Room, Governmental Center, 2nd Floor
400 Boardman Avenue
Traverse City, Michigan 49684
231-922-4464

1. **CALL MEETING TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF MINUTES-** Approval of the March 10, 2015 regular meeting minutes.
4. **REQUEST 15-BZA-04 – A REQUEST FROM MICHAEL BOUDJALIS, 539 WEST FRONT STREET, TRAVERSE CITY, MICHIGAN for:**

A dimensional variance to allow for a new home to have an attached garage which has alley access that is located in the Central Neighborhood Historic District located at the property commonly known as **116 South Maple Street**, Traverse City, Michigan.

5. **PUBLIC COMMENT**
6. **ADJOURNMENT**

The City of Traverse City does not discriminate on the basis of disability in the admission or access to or treatment or employment in, its programs or activities. Penny Hill, Assistant City Manager, 400 Boardman Avenue, Traverse City, Michigan, 49684, 922-4481, T.D.D., 922-4412, has been designated to coordinate compliance with the non-discrimination requirements contained in Section 35.107 of the Department of Justice regulations. Information concerning the provisions of the Americans with Disabilities Act, and the rights provided thereunder, are available from the ADA Coordinator. If you are planning to attend and you have a disability requiring any special assistance at the meeting and/or if you have any concerns, please immediately notify the ADA Coordinator.

MINUTES
TRAVERSE CITY BOARD OF ZONING APPEALS
REGULAR MEETING
TUESDAY, MARCH 10, 2015
7:00 P.M.
Committee Room, Governmental Center, 2nd Floor
400 Boardman Avenue
Traverse City, Michigan 49684
231-922-4464

PRESENT: Members Bergman, Szajner, Matson, Wegener, Hanley and Vice-Chairperson Callison and Chairperson Cockfield.

ABSENT: Members Jones, Lomasney, Donaldson and Raferty.

1. CALL MEETING TO ORDER

The meeting was called to order at 7:00 p.m.

2. APPROVAL OF MINUTES- Approval of the December 9, 2014 regular meeting minutes.

Motion by Member Szajner, seconded by Member Bergman to approve the December 9, 2014 regular meeting minutes as presented. Upon vote the motion carried 7-0.

3. REQUEST 15-BZA-02- A REQUEST FROM JOE HOLLANDER, 1822 WEST MILHAM AVENUE, SUITE 1-C, PORTAGE, MICHIGAN for:

An exception from the sign ordinance to allow for the installation of a new internally illuminated freestanding sign which will have an area of 32 square feet and a height of 7 feet, 3 inches located at the property commonly known as **600 Bay Hill Drive**, Traverse City, Michigan. (Bay Hill Apartments)

Joe Hollander presented and answered question from the Board.

Steve Anderson with SignArt 5757 E. Cork Street, Kalamazoo, Michigan presented and answered question from the Board.

Public comment was opened.

Rene Pastotnic, 1439 Veterans Drive, Traverse City, Michigan spoke against granting the exception.

Greg Hansmeier, 591 Georgetown Place, Traverse City, Michigan spoke against granting the exception.

Richard Winzel, 517 Georgetown Place, Traverse City, Michigan spoke against granting the exception.

Motion by Member Wegener, seconded by Member Callison to grant an exception to allow for a 32 square foot internally illuminated freestanding sign located at 600 Bay Hill Drive, Traverse City, Michigan provided the sign does not exceed a height of 6 feet, the background of the sign is opaque, the sign shall not be illuminated between the hours of 11:00 p.m. and 6:00 a.m. and no additional freestanding signs shall be placed on the parcel based on the Statement of Conclusions and Finding of Fact contained in the Order Granting for Exception No. 15-BZA-02. Upon vote the motion carried 6-1 with Member Matson voting in opposition.

4. REQUEST 15-BZA-01 – A REQUEST FROM DAVID GLEASON, 1435 BARLOW STREET, TRAVERSE CITY, MICHIGAN for:

A dimensional variance of 2.5 feet to allow for the construction of a 3 ½ -story rear addition to be on the property line along Cass Street for the property commonly known as **201 East Front Street**, Traverse City, Michigan.

David Gleason was not present at the meeting.

James Zachow, Architect, 3678 Manchester Road, Traverse City, Michigan presented drawings answered questions from the Board.

There was no public comment on the request.

Motion by Member Matson, seconded by Member Hanley to grant a dimensional variance of 2.5 feet to allow for the construction of a 3 ½ -story rear addition to be on the property line along Cass Street for the property commonly known as 201 East Front Street, Traverse City, Michigan based on the Statement of Conclusions and Finding of Fact contained in the Order Granting for Variance No. 15-BZA-01. Upon vote the motion carried 6-1 with Vice-Chairperson Callison voting in opposition.

5. REQUEST 15-BZA-03- A REQUEST FROM BOB DORIOT 9972 S. WEST BAY SHORE DRIVE, TRAVERSE CITY, MICHOGAN for:

A dimensional variance of 25 feet to reduce the water setback on Boardman Lake from 50 feet to 25 feet for 10 site condominium parcels located at the property commonly known as **1527 Cass Street**, Traverse City, Michigan.

Bob Doriot presented drawings and answered questions from the Board.

John Urbain, P.E. with Landtech, 1275 McGregor way, Grawn, Michigan presented drawings and answered questions from the Board.

Public comment was opened.

Richard Minor, 1430 South Union Street, Traverse City, Michigan, spoke in favor of granting the variance.

Brian Olshove, 601 Washington Street, Traverse City, Michigan, spoke in favor of granting the variance.

Mike Doriot, 9972 S. West Bay Shore Drive addressed the Board.

Motion by Member Wegener, seconded by Member Callison to grant a dimensional variance of 25 feet to reduce the water setback on Boardman Lake from 50 feet to 25 feet for 10 site condominium parcels located at the property commonly known as 1527 Cass Street, Traverse City, Michigan based on the Statement of Conclusions and Finding of Fact contained in the Order Granting for Variance No. 15-BZA-03. Upon vote the motion carried 7-0.

6. PUBLIC COMMENT

None.

7. ELECTION OF OFFICERS

Motion by Member Bergman, seconded by Member Matson to elect Member Callison as Vice-Chairperson and Member Cockfield as Chairperson. Upon vote the motion carried 7-0.

8. ADJOURNMENT

The meeting was adjourned at 9:30 p.m.

Respectfully submitted,

David Weston, Planning and Zoning Administrator

Date: _____

**CITY OF TRAVERSE CITY
ORDER AUTHORIZING
EXCEPTION NO. 15-BZA-02**

Pursuant to the City of Traverse City Code of Ordinances § 1476.15(b)(3), Exceptions, the Board of Zoning Appeals hereby grants an exception for the following:

Street Address:	600 Bay Hill Drive
Property Description:	PRT OF GOV LOT 6 SEC 10 T27N R11W DES AS COM AT THE W 1/4 CORNER OF SEC 10; TH S 02°04'20" W 1315.01 FT ALG THE W LINE OF SEC 10 TO THE N LINE OF GOVT LOT 6 AND THE POB; TH S88°54'00E 1307.92 FT ALG THE N LINE OF GOVT LOT 6 TO THE CENTERLINE OF VETERANS DR AND THE W 1/8 LINE OF SAID SEC; TH S 01°42'04" W 60 FT; TH S 89°07'29" W 282.16 FT; TH S 01°42'04" W 425.35 FT; TH S88°54'36" E 281.9 FT TO THE CENTERLINE OF VETERANS DR; TH S 01°42'04" W 161.74 FT; TH N88°55'19" W 1312.16 FT TO THE W LINE OF SEC 10; TH N02°04'20 E 657.36 FT TO THE POB. SAID PARCEL CONTAINS 16.97 A (739419.98 SQ FT) MORE OR LESS
Exception Authorized:	An exception to allow for a 32 square foot internally illuminated freestanding sign located at 600 Bay Hill Drive, Traverse City, Michigan provided the sign does not exceed a height of 6 feet, the background of the sign is opaque, the sign shall not be illuminated between the hours of 11:00 p.m. and 6:00 a.m. and no additional freestanding signs shall be placed on the parcel.
Applicant:	Joe Hollander, 1822 West Milham Avenue, Suite 1-c, Portage, Michigan.

It is determined that the Applicant has demonstrated a unique circumstance when the evidence in the official record of the exception supports all of the affirmative findings as required in §1467.15(b)(3). The findings of fact and reasons upon which this determination is based are as follows:

1. The attached Statement of Conclusions and Finding of Fact are incorporated herein by reference.
2. The procedures and requirements for exception decisions by law and ordinance have been followed.

This Order shall not be deemed to City approval for anything other than the exception authorized by this order, and shall not relieve the owner or occupier of the land from obtaining any other license, permit or approval required by law or ordinance.

I hereby certify that the above Order was adopted on _____, _____,
at a regular meeting of the Board of Zoning Appeals for the City of Traverse City at the
Commission Chamber, Governmental Center, 400 Boardman Avenue, Traverse City,
Michigan.

Date: _____

David Weston, Planning and Zoning
Administrator

Note: A decision of the Board of Zoning Appeals shall be final. However, any party having a
substantial interest affected by an order, determination or decision by the Board of Zoning Appeals may
appeal to the Circuit Court, if made to the Court within twenty-eight (28) days after rendering the final
decision or upon grant by the Court of leave to appeal. Codified Ordinances of Traverse City Michigan
§1324.07(a).

STATEMENT OF CONCLUSION AND FINDINGS OF FACTS 15-02

The following are the Statements of Conclusions supported by evidence submitted to the Board of Zoning Appeals in connection with a request for an exception, Request 15-BZA-02, for the property commonly known as **600 Bay Hill Drive**, Traverse City, Michigan.

- a) The circumstances were exceptional and peculiar to the property, and result from conditions which do not exist generally throughout the City.
- b) The alleged consequences resulting from a failure to grant the exception include substantially more than mere inconvenience, or mere inability to attain a higher financial return.
- c) Allowing the exception will result in substantial justice being done, considering the public benefits intended to be secured and will be contrary to the public purpose and general intent and purpose of Chapter 1476, Signs of the City of Traverse City Code of Ordinances.

The foregoing Statement of Conclusions are supported by the following Findings of Fact No 15-BZA-02:

- 1. The property is allowed to have three freestanding signs with an area of 12 square feet each and a height of 8 feet.
- 2. There are no separation requirements in the Sign Ordinance for permanent freestanding signs.
- 3. The property owner could place three freestanding signs, 36 square feet, 6 feet tall, not connected in a row by right at the proposed location.
- 4. There are 222 apartments on the parcel.
- 5. There is a 50% turnover rate at the apartment complex.
- 6. There are mature arborvitae trees blocking the sign as vehicles head south.
- 7. You cannot see any apartment buildings from the street.
- 8. The posted speed limit on this part of Division Street is 45 m.p.h.
- 9. The applicant agreed to not place any additional freestanding signs on the parcel.

**CITY OF TRAVERSE CITY
ORDER AUTHORIZING
VARIANCE NO. 15-BZA-01**

Pursuant to the City of Traverse City Code of Ordinances § 1324.05(d), Variances, the Board of Zoning Appeals hereby authorizes a dimensional variance for the following:

Street Address: 201 East Front Street
Property Description: W 31.5 FT OF BLK 24 ORIG PLAT EXC BOOMAGE & FLOWAGE RIGHTS & EXC PARTY WALL RIGHTS EXCEPT THAT PART LYING NORTH OF A LINE COMM AT A PT ON THE E LINE OF CASS ST 154.5' N OF THE N LINE OF FRONT ST; TH SELY 667.6' TO A PT ON THE W LINE OF PARK ST 95' N OF THE N LINE OF FRONT ST.
Variance Granted: A dimensional variance of 2.5 feet to allow for the construction of a 3 ½ -story rear addition to be on the property line along Cass Street.
Applicant: David Gleason, 1435 Barlow Street, Traverse City, Michigan.

It is determined that the Applicant has demonstrated a hardship as well as showing of good and sufficient cause authorizing a variance by the City of Traverse City Code of Ordinances. The findings of fact and reasons upon which this determination is based are as follows:

1. The attached Statement of Conclusions and Finding of Fact are incorporated herein by reference.
2. The procedures and requirements for variance decisions by law and ordinance have been followed.

This Order shall not be deemed to be City approval for anything other than the variance authorized by this order and shall not relieve the owner or occupier of the land from obtaining any other license, permit or approval required by law or ordinance.

I hereby certify that the above Order was adopted on _____, _____, at a regular meeting of the Board of Zoning Appeals for the City of Traverse City at the County Committee Room, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Date: _____

David Weston, Planning and Zoning
Administrator

Note: A decision of the Board of Zoning Appeals shall be final. However, any party having a substantial interest affected by an order, determination or decision by the Board of Zoning Appeals may appeal to the Circuit Court, if made to the Court within twenty-eight (28) days after rendering the final decision or upon grant by the Court of leave to appeal. Codified Ordinances of Traverse City Michigan

STATEMENT OF CONCLUSION AND FINDINGS OF FACTS 15-BZA-01

The following are the Statements of Conclusions supported by evidence submitted to the Board of Zoning Appeals in connection with a request for a dimensional variance, Request No. 15-BZA-01, for the property commonly known as **201 East Front Street**, Traverse City, Michigan, from David Gleason.

1. Practical Difficulty. There are exceptional or extraordinary circumstances or physical conditions that do not generally apply to other properties or used in the same district.
2. In granting the variance, the spirit of the Zoning Code is observed, public safety is secured and substantial justice is done.
3. No substantial adverse effect on property values in the immediate vicinity or in the district where the property is located will occur as a result of granting this variance.
4. The difficulty presented by the applicant in support of the request for a variance is not so general or recurrent in nature that a formulation of a general regulation for such condition is preferable.
5. The practical difficulty is unique to the property and not to the general neighborhood and shall apply only to property under control of the applicant.
6. Granting the variance is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.
7. The difficulty is not solely economic and is based on the reasonable use of a particular parcel of land.
8. The difficulty was not the result of an act of the applicant or a person in privity or concert with the applicant.

The foregoing Statement of Conclusions are supported by the following Findings of Fact No 15-BZA-01:

1. The parcel is a long narrow corner lot.
2. The existing building is built to the property line along Cass Street.
3. There are provisions in the Zoning Code that allow for the extension of an existing sidewall that encroaches in a side yard setback but not a front yard setback on a corner lot.
4. There will be no foundation encroachments in the R.O.W.
5. The roof will be a flat roof. Ice, snow and stormwater will be maintained within the boundaries of the property.
6. The buildings located at 160, 161 and 202 East Front Street are all located on the front property line.

**CITY OF TRAVERSE CITY
ORDER AUTHORIZING
VARIANCE NO. 15-BZA-03**

Pursuant to the City of Traverse City Code of Ordinances § 1324.05(d), Variances, the Board of Zoning Appeals hereby authorizes a dimensional variance for the following:

Street Address: 1527 Cass Street, Traverse City, Michigan
Property Description: LOTS 9 10 11 & 12 EXCEPT FLOWAGE RIGHTS H & L CO'S
16TH ADD
Variance Granted: A dimensional variance of 25 feet to reduce the water
setback on Boardman Lake from 50 feet to 25 feet for 10
site condominium parcels.
Applicant/Owner: Bob Doriot.

It is determined that the Applicant has demonstrated a hardship as well as showing of good and sufficient cause authorizing a variance by the City of Traverse City Code of Ordinances. The findings of fact and reasons upon which this determination is based are as follows:

1. The attached Statement of Conclusions and Finding of Fact are incorporated herein by reference.
2. The procedures and requirements for variance decisions by law and ordinance have been followed.

This Order shall not be deemed to be City approval for anything other than the variance authorized by this order and shall not relieve the owner or occupier of the land from obtaining any other license, permit or approval required by law or ordinance.

I hereby certify that the above Order was adopted on _____, _____,
at a regular meeting of the Board of Zoning Appeals for the City of Traverse City at the
County Committee Room, Governmental Center, 400 Boardman Avenue, Traverse City,
Michigan.

Date: _____

David Weston, Planning and Zoning
Administrator

Note: A decision of the Board of Zoning Appeals shall be final. However, any party having a substantial interest affected by an order, determination or decision by the Board of Zoning Appeals may appeal to the Circuit Court, if made to the Court within twenty-eight (28) days after rendering the final decision or upon grant by the Court of leave to appeal. Codified Ordinances of Traverse City Michigan §1324.07(a).

STATEMENT OF CONCLUSION AND FINDINGS OF FACTS 15-03

The following are the Statements of Conclusions supported by evidence submitted to the Board of Zoning Appeals in connection with a request for a dimensional variance, Request No. 15-BZA-03, for the property commonly known as **1527 Cass Street**, Traverse City, Michigan, from Bob Doriot.

1. Practical Difficulty. There are exceptional or extraordinary circumstances or physical conditions that do not generally apply to other properties or used in the same district.
2. In granting the variance, the spirit of the Zoning Code is observed, public safety is secured and substantial justice is done.
3. No substantial adverse effect on property values in the immediate vicinity or in the district where the property is located will occur as a result of granting this variance.
4. The difficulty presented by the applicant in support of the request for a variance is not so general or recurrent in nature that a formulation of a general regulation for such condition is preferable.
5. The practical difficulty is unique to the property and not to the general neighborhood and shall apply only to property under control of the applicant.
6. Granting the variance is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.
7. The difficulty is not solely economic and is based on the reasonable use of a particular parcel of land.
8. The difficulty was not the result of an act of the applicant or a person in privity or concert with the applicant.

The foregoing Statement of Conclusions is supported by the following Findings of Fact No 15-03:

1. The parcel is a long narrow piece of land with steep topography.
2. All requirements of the Stormwater Runoff Control and Soil Erosion Ordinance shall be met.
3. Power lines and a Railroad right-of-way are located on the west side of the property line.
4. Only a portion of the site received relief as compared to the request in 2005 which requested relief for the entire site.



Communication to the Board of Zoning Appeals

FOR THE MEETING OF: April 14, 2015

FROM: DAVID WESTON, ZONING ADMINISTRATOR

SUBJECT: REQUEST 15-BZA-4

DATE: April 10, 2015

A request from Michael Boudjalis, 539 West Front Street, Traverse City, Michigan for relief from the zoning regulations (1332.09(a)) to allow for the demolition of an existing home and the construction of a new home with an attached garage located at the property commonly known as **116 South Maple Street**, Traverse City, Michigan.

The property mentioned is zone R-1b (Single Family Dwelling District) and is located in the Central Neighborhood Historic District. Section 1332.09(a) of the City of Traverse City Zoning Code prohibits attached garages for parcels with alley access in the Central Neighborhood Historic District. The applicant will be requesting a dimensional variance to allow for the new home to have an attached garage.



City of Traverse City

APPLICATION FEE: \$240.00

Check Number: CASH

Receipt Number: 18 492

Date of Application: 2-25-15

Date of Public Hearing: 4-14-15

Case Number: _____

**TRAVERSE CITY BOARD OF ZONING APPEALS
APPLICATION**

for Variance, Exception, Appeal, Ordinance Interpretation or
Reconsideration

PROPERTY DESCRIPTION (legal description AND property address): THE NORTH 65 FEET OF LOTS 15, 16, 17, BLOCK 16, HANNAN LAY & CO'S

ADDITION TO TRAVERSE CITY.

116 S. MAPLE ST.

PARCEL ID NO: 28-51-654-083-00

REQUEST AND PROPOSED PROJECT:

BUILD NEW CARRIAGE HOUSE

TO BE COMPLETED BY ZONING ADMINISTRATOR:

Request: Appeal for Administrative Decision _____

Interpretation of Ordinance _____

Exception _____

Variance _____

Name: MIKE BIGNARDIS Phone: 231-883-7508 Fax: 231-941-0526

Address: 539 W. FRONT STREET

Signature of Owner: Mike Bignardis

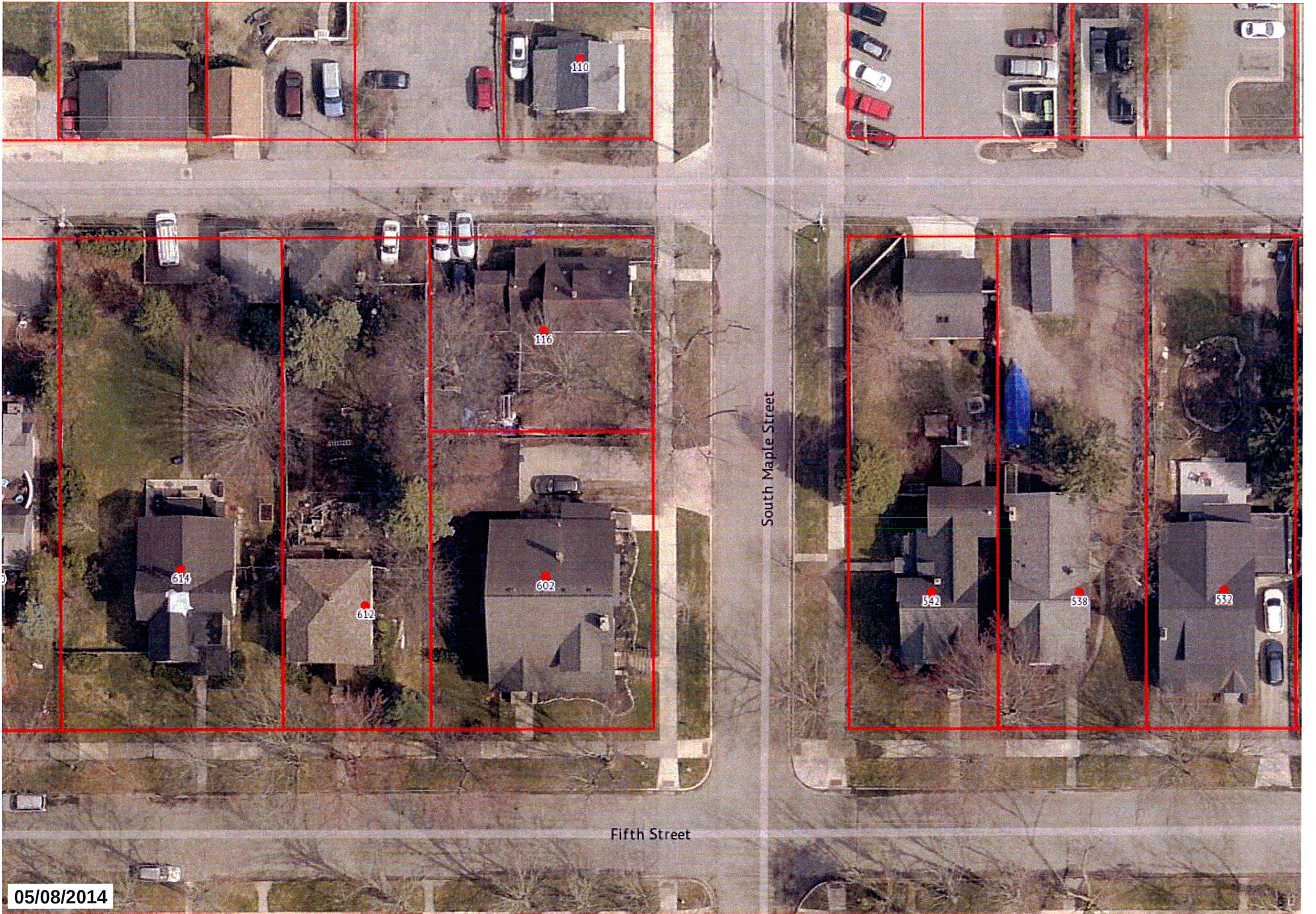
Signature of Applicant (if different): _____

Relationship of Applicant to Owner: _____

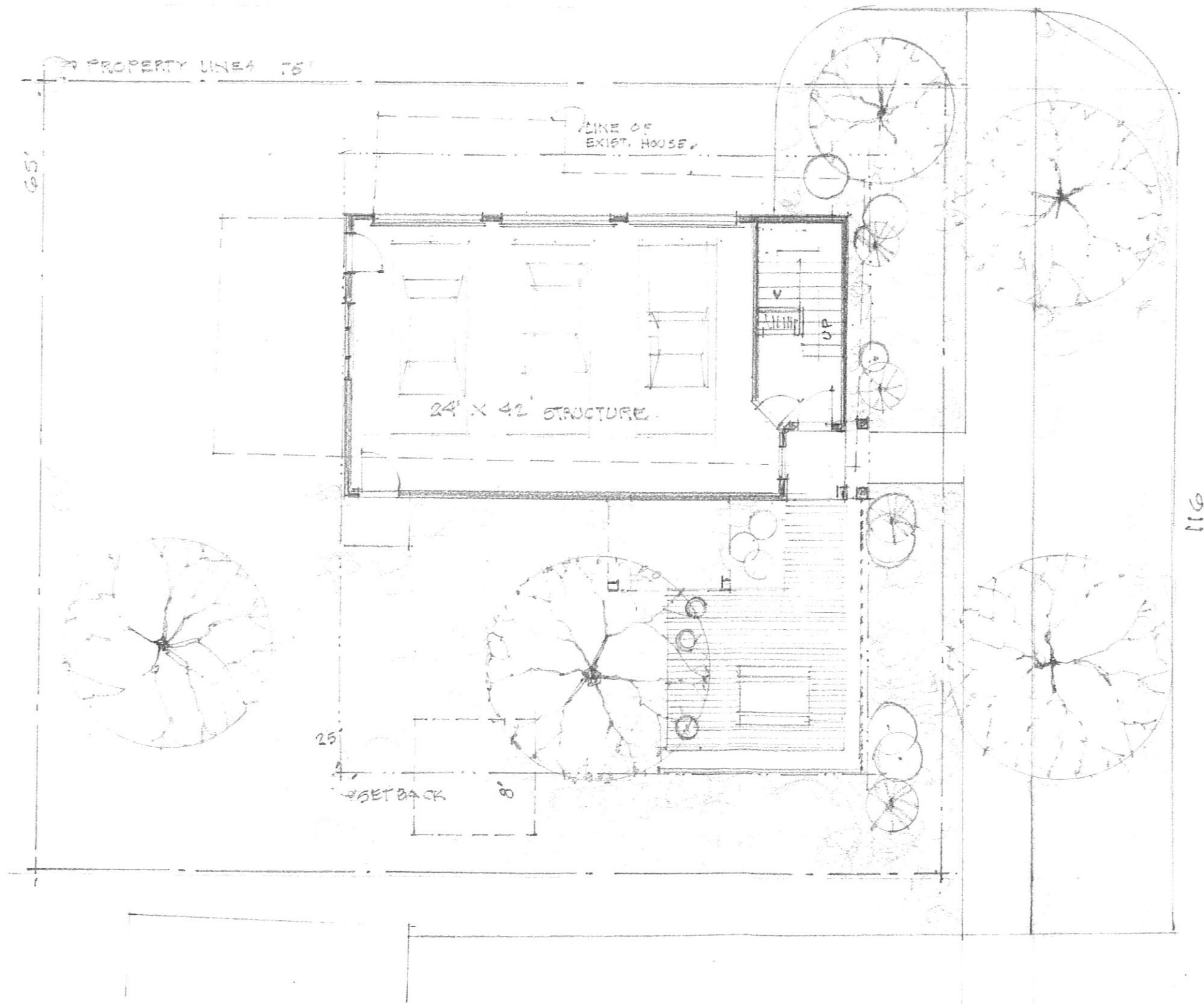
**APPLICATIONS MUST BE RECEIVED A MINIMUM OF 21 DAYS PRIOR
TO THE MEETING AT WHICH THE REQUEST WILL BE CONSIDERED.**

REPRESENTATION AT HEARING: THE APPLICANT OR THE APPLICANT'S AUTHORIZED AGENT MUST BE PRESENT AT THE PUBLIC HEARING TO PROPERLY ANSWER QUESTIONS CONCERNING THE APPEAL. IF THE APPLICANT OR AGENT IS NOT PRESENT, THE APPEAL MAY BE DEFERRED UNTIL THE NEXT MEETING OR DISMISSED AT THE DISCRETION OF THE BOARD.

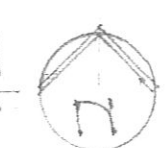
***** PLEASE NOTE THE REVERSE SIDE FOR SITE PLAN REQUIREMENTS *****



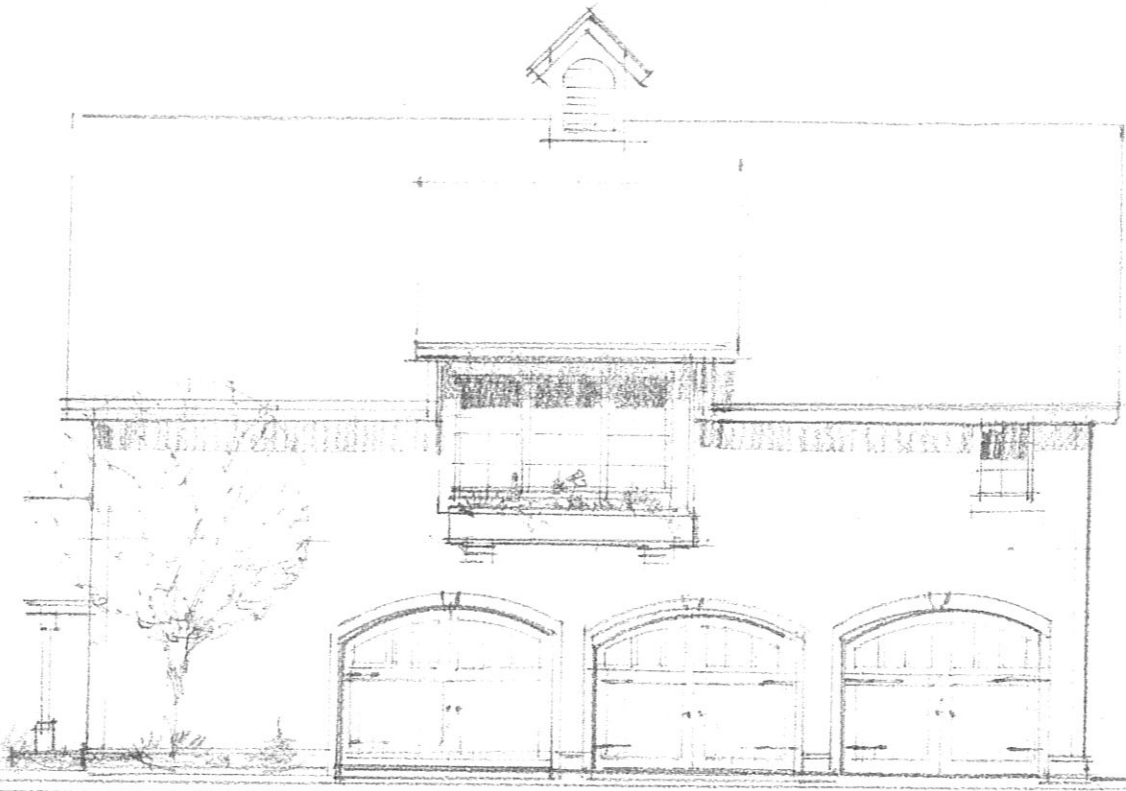
05/08/2014



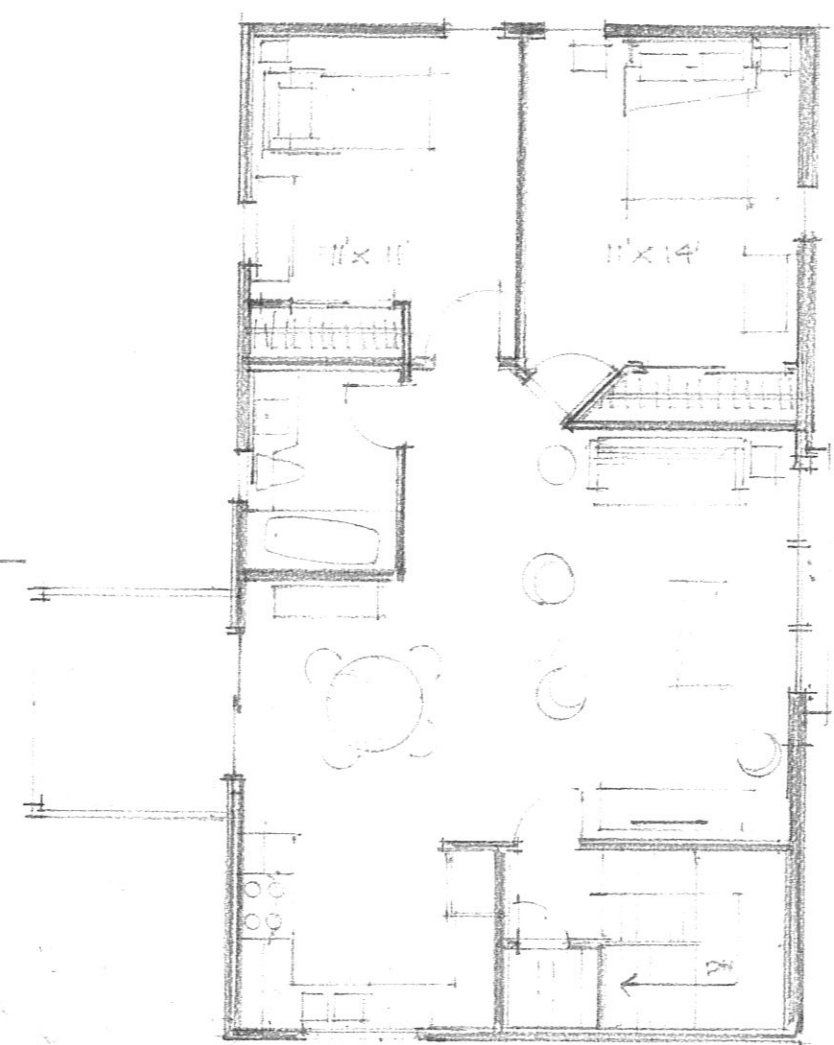
SITE PLAN
SCALE: 1" = 10'



STUDY OF CARRIAGE HOUSE FOR MIKE & JANE VOUDJALIS
116 MAPLE ST. TRAVERSE CITY MICH.
1.10.15



NORTH ELEV.



UPPER LEVEL PLAN
24' x 42'

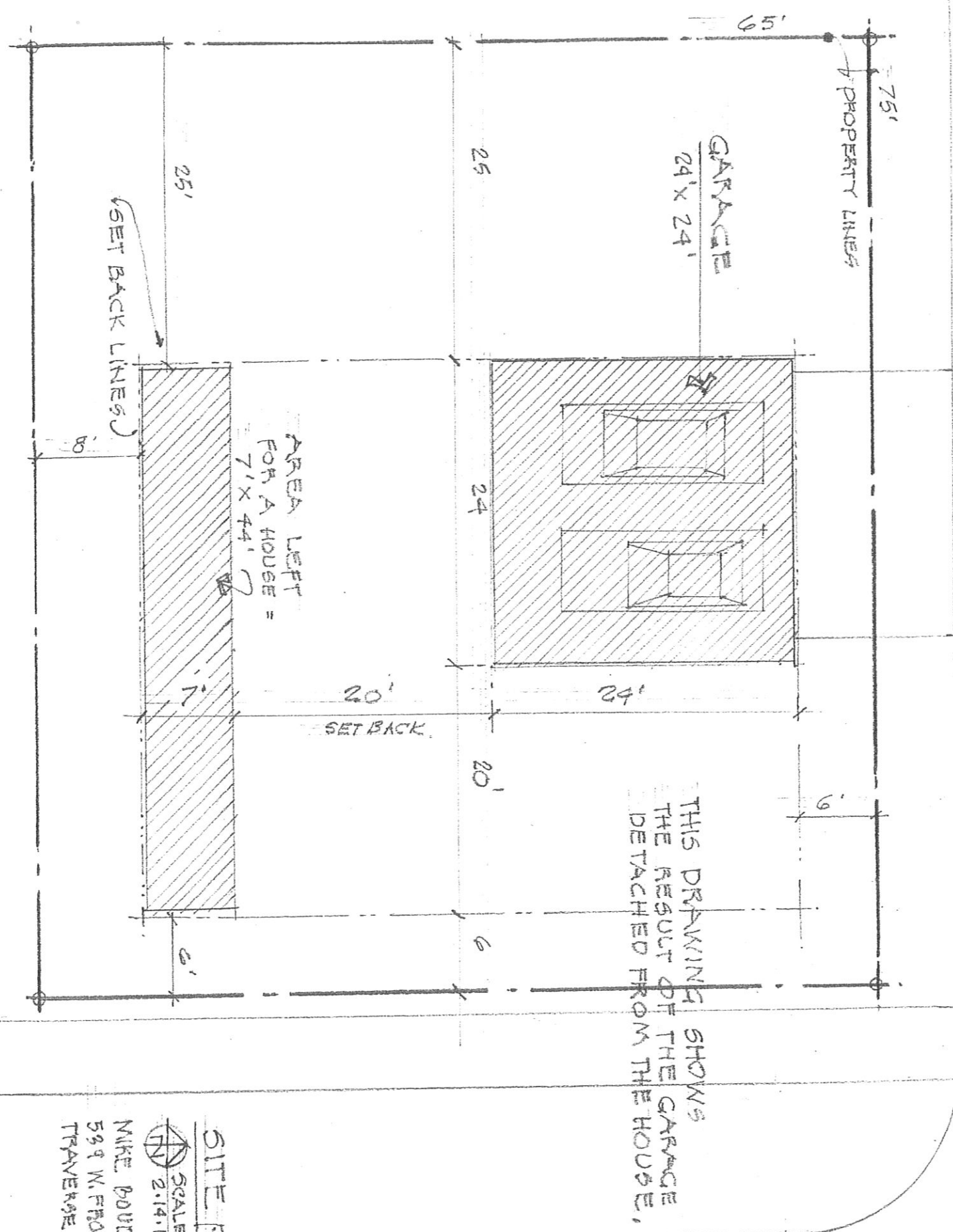


EAST ELEV.

116 MAPLE ST.

STUDY OF CARRIAGE HOUSE FOR MR. & MRS. JANE VOUDALIS
116 MAPLE ST. TRAVERSE CITY, MI
11/10/15

Albert



THIS DRAWING SHOWS
THE RESULT OF THE GARAGE
DETACHED FROM THE HOUSE.

116 MAPLE ST.

STILL

SCALE: 1" = 10'

MIKE BODJALIS
539 W. FRONT ST.
TRAVELERS CITY

$65' \times 75' = 4875 \text{ sq ft}$
 $45\% \text{ of } 4875 = 2193.75 \text{ sq ft}$
 $20' \times 40' = 800 \text{ sq ft}$

602

MAPLE

SCALE: 1" = 20'

3 STALL GARAGE • LIVING ABOVE.